



Report of  
The Governor's Committee for the Investigation  
of Alleged Disfranchisement of Electors  
In Philadelphia  
Under the  
Permanent Registration Act

OCTOBER 7, 1938

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DISFRANCHISEMENT  
AND  
POTENTIAL DISFRANCHISEMENT  
IN PHILADELPHIA  
UNDER THE PERMANENT REGISTRATION ACT

Report of  
The Governor's Committee for the Investigation  
of Alleged Disfranchisement of Electors  
in Philadelphia

Todd Daniel, Chairman  
Richard P. Brown      Benjamin L. Long  
Charles C. Rohlfing      David J. Smyth



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**GOVERNOR'S COMMITTEE**  
**FOR THE INVESTIGATION OF ALLEGED DISFRANCHISEMENT**  
**OF ELECTORS IN PHILADELPHIA**

PHILADELPHIA

October 7, 1938

Hon. George H. Earle,  
Governor of Pennsylvania,  
Harrisburg, Pennsylvania.

Dear Governor Earle:

On June 2, 1938 you appointed this Committee to investigate the alleged disfranchisement of voters in Philadelphia. On August 8th, two months later, your Committee was notified that \$2,000 had been allocated for its investigation and it promptly undertook the task.

Your Committee quickly learned that there was no practical way of determining the exact number of disfranchised voters, even at the latest primary election on May 17, 1938. Such a task would have required many months to interview all registered voters who had failed to vote to determine if they were disfranchised and would have required many more thousands of dollars than were allotted to this Committee.

Hence, from the beginning your Committee aimed to:

determine whether a significant portion of electors had been denied their right to vote, and, to

report its findings at such an early date that our recommendations might be of use in preventing disfranchisement in the November and subsequent elections.



With these aims in mind, your Committee, as soon as funds were made available on August 8th, secured a chief investigator and other necessary employees and proceeded promptly with the survey.

Pursuant to its instructions, your Committee now submits its report and in this letter summarizes briefly for your convenience the contents of that report.

Your Committee finds

UNNECESSARY DISFRANCHISEMENT to an extent --

to warrant public complaint

to justify this investigation by Your Excellency, and

to merit the administrative survey and recommendations

herein reported.

Specifically, here are your Committee's major findings:

1. Disfranchisement of a substantial number of voters during the May, 1938, Primary.<sup>1</sup>
2. Potential disfranchisement of thousands of voters who need assistance in voting (a check of 30 of the 51 wards, embracing only half the population of the city, revealed errors sufficient to disfranchise 9,000 voters.)<sup>2</sup>
3. Potential disfranchisement of a substantial number of the 137,000 naturalized citizens (indicated by a check of 3,000 registration affidavits in the various divisions of 15 wards which disclosed 18% are so defective in the entry of naturalization information as to be grounds for legal disfranchisement.)<sup>3</sup>

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1. For data supporting this finding, see pages 33-46 of this report  
2. " " " " " " " " 48-54 " " "  
3. " " " " " " " " 54-55 " " "





Here are the major causes of these disfranchisements and potential disfranchisements:

1. Failure of the Registration Commission to keep the District and General Registers in exact alphabetical order as required by the First Class City Permanent Registration Act (Secs. 26 and 27), resulting in disfranchisement through inability to locate registration affidavits.<sup>4</sup>
2. Failure of the Registration Commission to make full use of public utility reports on change of residence as required by the Act (Secs. 31 and 32), depriving the voter of proper notice and resulting in a last minute rush of removal notices.<sup>5</sup>
3. Failure of the Registration Commission to have had recorded properly naturalization data on registration affidavits as required by the Act (Sec. 20), resulting in potential disfranchisement.<sup>6</sup>
4. Failure of the Registration Commission to have had recorded properly the data on voters who need assistance as required by the Act (Sec. 20), resulting in potential disfranchisement.<sup>7</sup>
5. Poor filing system, resulting in the loss and failure to locate registration affidavits.<sup>8</sup>
6. Inexperienced, incompetent and inefficient temporary registrars.<sup>9</sup>
7. Selection of office personnel largely on political rather than a merit basis.<sup>10</sup>
8. Lack of centralized administrative responsibility and executive ability.<sup>11</sup>

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4.	For data supporting this statement, see pages	15-17, 27-28, 57-58
5.	" " " " " " "	22-23, 58, 60
6.	" " " " " " "	54-55, 58
7.	" " " " " " "	48-54, 58
8.	" " " " " " "	27-28, 30-31, 57-58
9.	" " " " " " "	12-13
10.	" " " " " " "	11-12, 57, 60
11.	" " " " " " "	10-11, 30-31, 57-60







6. Divide the General Register into "active" and "inactive" sections, and note on the back of each affidavit in either section of the General Register an index key to all records of that registered voter which have been filed in special files.<sup>20</sup>
7. Correct registration affidavits defective in the assistance and naturalization data.<sup>21</sup>
8. Make full use of the public utility reports on changes of residence as directed by the Act (Secs. 31 and 32) and, if the procedure becomes sufficiently useful, require reports from agents of apartment houses and hotels as permitted by the Act (Sec. 31c).<sup>22</sup>
9. Issue voters' identification cards.<sup>23</sup>

To improve further the working of the First Class City Permanent Registration Act, your Committee recommends that the Act be amended to:

1. Restrict the duties of the commissioners to the:<sup>24</sup>
  - (1) determination of policy
  - (2) performance of quasi-judicial functions such as strike-off hearings
  - (3) selection through the merit system of an executive secretary at \$6,500 per annum who would have complete control of personnel and administration.
2. Reduce the salaries of the commissioners to \$3,000 per annum, with \$3,500 per annum for the chairman.<sup>25</sup>

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20.	For data supporting this statement, see pages	27-28,	58
21.	" " " " " "	" "	48-55, 58
22.	" " " " " "	" "	22-23, 58-59
23.	" " " " " "	" "	28-30, 59
24.	" " " " " "	" "	31-32, 59-60
25.	" " " " " "	" "	31-32, 60





3. Provide civil service and the merit system for the employees of the Registration Commission and prohibit political activity by members of the Registration Commission and its employees.<sup>26</sup>
4. Require that a voter's registration certificate (identification card) be given each registered voter.<sup>27</sup>
5. Clarify Section 31c in respect to reports of public utility companies and require that the Registration Commission shall send to each registered voter at both his former address and the address to which he has moved, if known, a notice that he must have his change of residence recorded with the Commission.<sup>28</sup>
6. Incorporate a provision that each political party is to be advised daily or weekly of the removal from the active file of any registration affidavits for any cause.<sup>29</sup>
7. Provide that registrars must have been registered as members of the political party which they represent for at least a period of two consecutive years.<sup>30</sup>

Your Committee made no attempt to compare the efficiency or political activity of the Registration Commission and its employees with other Government services in Philadelphia.

But since it is particularly essential under our Democratic form of Government to have election machinery which is fair and impartial, it is necessary that those offices which involve the election machinery should be strictly free of political activity of any kind.

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26.	For data supporting this statement, see pages	9-13, 59
27.	" " " " " " "	28-30, 60
28.	" " " " " " "	22-23, 60
29.	" " " " " " "	28, 61
30.	" " " " " " "	13, 61



This concludes your Committee's summary of its report. It may desire to supplement this report with further recommendations.

Respectfully yours,

TODD DANIEL, Chairman

RICHARD P. BROWN

BENJAMIN L. LONG

CHARLES C. ROHLFING

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## TABLE OF CONTENTS

SUMMARY AND LETTER OF TRANSMITTAL .....	1
Findings .....	2
Causes .....	3
Recommendations .....	4
 I-ADMINISTRATION .....	 9
The Registration Commission .....	9
Office Personnel .....	11
Temporary Registrars .....	12
Registration .....	13
The White Cards .....	17
Serial Numbers .....	18
Record of Voting .....	18
Procedures after Registration .....	19
Removal Notices .....	20
Utility Reports .....	22
Change of Party .....	23
Obituary Notices .....	25
Naturalization, Disability and Residence Records ....	26
Strike-Offs .....	26
Commission's Filing System Evaluated .....	27
Voters' Identification Cards Suggested .....	28
Answering Primary Day Complaints .....	30
 II-DISFRANCHISEMENT .....	 33
Extent of Disfranchisement .....	34
Election Court Cases .....	36
Complaints Handled by the Registration Commission ...	38
Registration Commission's Check for Errors .....	39
Attempt by Commission to Locate Removal Notices ....	42
Mandamus to Correct Errors .....	43
Cases Reported by the Republican City Committee ....	44
Republican Party Change of Party Cases .....	45
Illegal Party Changes .....	46
 III-POTENTIAL DISFRANCHISEMENT .....	 48
Need of Assistance .....	48
Naturalization .....	54
 IV-RECOMMENDATIONS .....	 56
To the Registration Commission .....	56
To Amend the Permanent Registration Act .....	60



I  
ADMINISTRATION  
OF  
PERMANENT REGISTRATION IN PHILADELPHIA

A proper understanding of the causes of disfranchisement of qualified citizens in the May 17, 1938 Primary Election in Philadelphia is impossible without a knowledge of the administration of the provisions of The First Class City Permanent Registration Act and the procedure thereunder.

For this reason the Governor's Committee for the Investigation of Alleged Disfranchisement of Electors in Philadelphia prefaces its discussion of disfranchisement in Philadelphia at the May Primary with a brief analysis of the Registration Commission and its administration of the Act.

This analysis spotlights many of the causes of disfranchisement and lays the basis for many of the recommendations which the Committee makes.

Broadly, this section on Administration consists of an examination of the Registration Commission and its employees, a section devoted to the actual registration of the citizen, and further sections on what may and does happen to his registration affidavit after he has made it out.

THE REGISTRATION COMMISSION

The First Class City Permanent Registration Act went into effect on March 30, 1937. The Act gives the power of administration to a



five man by-partisan Commission, the Commission being appointed by the Governor for terms expiring the first Monday of January, 1941. Thereafter the terms are for an exact period of four years.

These terms are subject to the qualification in the Act "Unless sooner removed or otherwise disqualified." A further provision is that "The Governor may remove any commissioner for cause."

The compensation of \$6,000 a year plus an additional \$500 for the chairman is such that it reveals the intent of the Act was to set up a full-time position.

The existing Commission at the time the law went into effect was re-appointed under the new law by the Governor.

There can be no doubt that a job of great magnitude was suddenly placed upon the Commission, and that the difficulties were magnified by the very limited time available to inaugurate the system. This is apparent since the Act went into effect on March 30, 1937, and under the Act, the Commission was compelled to have the registration day in the following June, with subsequent registration days in July and August.

It will, therefore, be seen that in a very short period of two months the Commission had to obtain equipment provided by the new Act, obtain, if possible, proper office space and personnel, and in addition, select and inform 5200 temporary registrars to register voters on the first day, June 10th.

Under such pressure the Commission had little time to hire and train new employees and had to depend largely upon the employees who had functioned under the old Act and who had at least some experience.





Although this was the situation at the outset, steps should have been taken as soon as possible to see that the office was properly reorganized with personnel well equipped to discharge the duties imposed by the Act.

The present Registration Commission is composed of three Democratic and two Republican members. There was, however, no vigorous minority representation on the Commission. Had there been, it is believed more efficiency would have been the result, for such a minority would necessarily have fought for the early rectification of the conditions which resulted in actual and potential disfranchisement of voters.

#### OFFICE PERSONNEL

Employees of the Commission are appointed by and hold their positions at the pleasure of the commissioners. (Sec. 5) In short, positions are filled by the party in power on the basis of political patronage.

The number of the Commission's employees varies from approximately 50 to more than 100, depending upon the needs of the Commission. Except in busy periods, the majority are permanent employees. During these busy periods, they often work 15 hours a day with no added compensation.

It has been reported and not denied that the majority of all permanent employees are party committeemen. Even though this committee has not uncovered any actual discrimination against the voters, it does feel that the present provisions, especially in the absence of the merit system, are not conducive to the impartiality and ef-



ficiency required.

The present personnel situation lays the Commission open to criticism by the public that its employees are biased. The merit system would obviate this criticism.

#### TEMPORARY REGISTRARS

For the first registration under Permanent Registration June 10, 1937, 5,200 registrars had to be appointed. Any five qualified voters may prepare a petition requesting that the Registration Commission select particular voters to serve as registrars.

The requirements of the Act include that registrars be of good moral character, shall not have been convicted of any crime and shall be able to read English in an intelligent manner, write legibly and be familiar with qualifications of electors and of the duties of a registrar.

Each applicant for a position as registrar is given a hearing by the Commission at which his qualifications for the job are determined. At the hearings two commissioners preside. In examining such a large number of persons for temporary employment, the examination is necessarily brief and superficial.

After their selection, the registrars were given verbal instructions by the attorney for the Commission and a booklet in sample form, which also contains instructions. The calibre of the persons chosen for this temporary duty is the reason for the many errors on registration affidavits.

There is no evidence that the nominees of any party were any better or worse than the other. Whether any better ones were capable





of being secured in such large numbers and for such temporary duty and under the stress and limited time in which to institute a new system is at least doubtful.

The instructions given the registrars under adverse conditions, because of limited office space, did not result in their having a clear idea of their duties in registering voters on the new triplicate affidavit forms required by the Act (Sec. 19).

The same registrars, with few exceptions, continued to function on the other registration days in 1937. It is fair to note that their work improved with experience.

The charge was made that persons who were nominated and appointed as Republican registrars, although registered Republicans, often were not bona fide members of the Republican party. As under the Act persons can at any time change their party, the complaint is that many change simply to qualify as Republican registrars at the instigation of the Democratic party and are at once appointed.

Although this Committee found no facts to justify this complaint, a qualification that registrars be registered as members of the political party they represent for at least a period of two consecutive years, would remove the basis for any such imputation.

#### REGISTRATION

Citizens may register either at the Commission's offices or at the polling places on specified days (Sec. 17).

The location of the Commission's office and other factors place an additional burden on the citizens who try to register at the office.

At present the office is on the 14th floor of City Hall Annex,



a building in which the elevators are notoriously slow and overcrowded. The office is so small that it is nearly always congested, and especially so during rush registration seasons when lines of would-be registrants often wind around the corridors and stairs and down two floors.

Confronted with such obstacles, many would-be registrants surrender their right to be registered rather than spend the necessary time.

Whether the citizen registers at the polling places on specified days or at the Commission's office, the procedure is the same.

This procedure, briefly, consists in filling out a registration affidavit in triplicate before the registrar and the swearing to that affidavit by the registrant.

At the close of the day the registration affidavits are collected from the registrars and taken to the Commission's office. Or, if the registrations were made at the office they are collected from the Commission's employees who are deputized to act as registrars.

These affidavits, perforated for filing, are sent to the File Room, where the Originals, Triplicates and Duplicates are separated. Originals and Triplicates are sorted into wards and divisions. Duplicates are alphabetized.

The Originals are then filed in the District Registers. There are 1300 such registers, one for each voting district in Philadelphia. These registers are the ones which are sent to the voting districts on election or primary days.

The Duplicates of the registration affidavits are filed in the



General Register. This register never leaves the office of the Commission. It serves as an office record and should provide an alphabetical list of all the registered voters in Philadelphia.

The Triplicates are filed in the Street List Register according to street numbers and according to ward and division. It is from this register that street lists are printed for the use of political parties and candidates as provided in the Act. (Sec. 34b).

At no time during this investigation did the Committee find all the registers up to date. Nor were the District or General Registers ever found to be completely in exact alphabetical order, as required by the Act.

At various times during this investigation, commissioners and employees have been asked, "In how many wards have the District Registers been put in exact alphabetical order?" Various answers have been received ranging from 34 to 49 wards. Final agreement has been made that the first 34 wards have been put in exact alphabetical order. The statement even when applied to the first 34 wards has been further qualified by this statement, "There may be a few cards at the end of each letter of the alphabet which were included, but too late to be placed in exact alphabetical order".

A sampling check of this condition was made in the following fashion. The registers were opened at random, and the names taken off two, three, or four adjacent affidavits. Presumably, if these affidavits were in alphabetical order, the names would be in alphabetical order.

The following samples reveal the order in which they were found.





(The names are listed in just the order that they appeared in the Registers.)

Ward/Division

1/1						
Cushin	--	Durelli	--	Giorla	--	Mancuso
Calcavecchio	--	DeLuca	--	Guinto	--	Massaio
		DiFilippo	--	Gordan	--	Marigano
				Grosso		
				Galletti		
				Graffigno		
				Gallelli		

1/2						
Citto	--	Esposito	--	Gugliotta	--	Muzel
Clemento	--	Efstration	--	Giannone	--	Messina
Cuno				Gregorico	--	Morrone
Colanero						
Crowthers						
Colulicale						

2/5						
Hughes	--	John	--	Kuczyaski	--	Lowe
Henderson	--	Jones	--	Kennedy	--	Linzzi
		Johnson				Lynch
						Nemaroff
						Nemeroff

2/12						
Costanzo	--	Guida	--	Murphy	--	Savino
Caruso	--	Giowanelli	--	Matteo	--	Schello
		Gentile				Savino

15/8						
Anderson	--	Ewing	--	Furnald	--	Levine
Alexander	--	English	--	Fries	--	Lamar
Alston					--	Lane

22/60						
Byers	--	Hundley	--	Judge	--	Miller
Baker	--	Hardy	--	Johnson	--	Mitchell
						Miller

30/9						
Brown	--	Gavan	--	Jones	--	Myers
Boyd	--	Green	--	Jamison	--	Neeley
Brown	--	Gist	--	Jackson	--	Miller
				Jones		

Further, under the present system the Commission persists in taking nearly all registrations which come in during the year and filing them at the end of the various sections. For instance, if



John Brown registers at the Commission's office in August, his affidavit is not filed in the General Register and the District Register after Joan Brown, but instead is filed at the end of the B's.

The purpose of this, the Commission declares, is to save time. During the months preceding an election a number of B's may register. The insertion of these B's one at a time may mean that four or five pages of affidavits must be moved. Whereas, by waiting until the 30 day period before election when no registrations are permitted, the Commission says that with fewer manual operations and less time it can file in proper alphabetical order all these affidavits which have been left at the end of the B's.

The result is that the Commission and its employees must work overtime and at such speed during the 30 day period that errors naturally ensue. These errors may lead to the disfranchisement of electors, if affidavits, wrongly filed, cannot be found when electors try to vote.

#### THE WHITE CARDS

When a person presents himself at the office of the Commission, he is asked, "Do you want to register or do you want to change your party?"

There is a preliminary white card which must be filled out in either case.

The registrant fills in his name, address, party enrollment or party change desired. An employee then puts down the ward and division. This card is then delivered by the registrant to one of the registrars. The registrar copies the ward and division from this



card. Otherwise, all the other information is again secured from the registrant by questioning.

At the end of the day these cards are gathered, separated, sorted by wards and divisions, and counted. The chief purpose of these cards is to aid the gathering of daily statistics for the political parties.

#### SERIAL NUMBERS

Each registration affidavit has a serial number as provided by law (Sec. 19).

Until after this Committee began its investigation, no accurate record was kept of registration affidavits which were issued to registrants.

The registrars signed for the affidavits when they took them from the Registration Commission's headquarters. However, when the affidavits were returned no exact check was made to force an accounting for every affidavit sent out.

Further, the employees, acting as registrars in the Registration Commission's office, did not sign for the affidavits they received. They were merely given a handful as they needed them, from the broken packages returned by registrars.

For these reasons there was no way of determining whether registration affidavits had been lost, destroyed or stolen.

The Registration Commission has already taken steps to correct this situation by providing each registrar with a tally sheet on which he must list the persons he has registered.

#### RECORD OF VOTING

Sec. 38g of the Act provides that the election officers shall





note and initial the registration affidavit when the registrant votes. Sec. 40 declares that if a registered voter fails to vote over a four year period, his registration shall be cancelled.

Thus, it can be seen that it is vitally important that the election officer initial the registration affidavit, to prevent the registered voter from being unjustly disqualified.

A check of the District Register revealed such examples as this:

<u>Ward/Division</u>	<u>Election Officer</u>
<u>District: 2/15</u>	
Capman, Wm. 7/18 (date)	F. W.
Cain, James 7/18 (date)	F. W.
Cartmell, Martha C.	H. W.
Cavanaugh, Mary	H. W.

While this might be an unintentional error by the election official, it is of interest as no primary or general election was held on July 18.

The Registration Commission discovered the election officials were neglecting this notation and forced them to do so at the May 1938 Primary, by arranging with the City Commissioners to withhold the pay of election officials who failed to make the proper notations.

While in this case, the errors due to the divided authority over the registering and balloting of voters has apparently been corrected, it should be noted such a situation would be avoided if a single efficient authority had control of all election machinery.

#### PROCEDURES AFTER REGISTRATION

After the voter has once registered, there are a number of things which may happen to his registration. He may die, move, fail to vote for four years or change his party, and if a woman, her name may be changed by marriage.



All these require action by the Registration Commission. In many cases the procedure followed by the Commission is open to criticism.

To make these criticisms understandable and to clarify further the administration set up of the Commission, brief summaries of these procedures are included.

#### REMOVAL NOTICES

For the registered voter who changes his residence, the Act (Sec. 28) provides that the Registration Commission shall issue removal notices.

This, when signed by himself and by two properly qualified electors of the district into which the voter moves, secures the transference of his registration into the division into which he has moved.

The major political parties naturally aid their members in securing and filing these notices with the Registration Commission.

Once the removal cards are received at the Commission's office, they are checked against the original address from which the voter registered and the changes made in the new division and ward which his address calls for.

The Republican City Committee through their party organization collected many removal notices and delivered them to the Registration Commission immediately prior to the May Primary. The Commission talked in terms of 30 to 45,000 notices which were said to have been delivered within 2 weeks of the 30 day deadline for receiving the same. The Republican City Committee denied having sent so many notices and denied that they had dumped on the Commission any unusually large number at any particular time.



The records of the Registration Commission have been checked. Table I summarizes the findings. From the findings it is concluded that the statements of the Commission are not well founded.

TABLE I. REMOVAL NOTICES SUBMITTED BY THE REPUBLICAN CITY COMMITTEE

<u>Date</u>	<u>Sender</u>	<u>Approx. No.</u>	<u>Cumulative Total</u>	<u>Prior to Deadline</u>
2/25/38	R. C. C.	100	100	51 days
3/ 4/38	"	150	250	44 "
3/29/38	"	1,050	1,300	19 "
3/31/38	"	840	2,140	17 "
4/ 4/38	"	535	2,675	13 "
4/ 5/38	"	565	3,240	12 "
4/ 7/38	"	550	3,790	10 "
4/11/38	"	250	4,040	6 "
4/11/38	"	640	4,680	6 "
4/13/38	"	650	5,330	4 "
4/13/38	"	600	5,930	4 "
4/14/38	"	1,825	7,755	3 "
4/14/38	"	500	8,255	3 "
4/16/38	"	850	9,105	1 "

It has been charged that the Registration Commission is months behind in entering on the registration affidavits the change of residence information contained in removal notices.

It is imperative that these changes be recorded promptly, to be certain that all are entered before elections, otherwise disfranchisement may occur. These changes should be entered in the order of their receipt at the Commission's office.

The burden of filing and entering this information is no doubt great, particularly just prior to the deadline for such changes. Nevertheless, the Commission might do much to alleviate this last minute rush by reminding the voters to mail notices at the time of removal, and by making more use of the lists of removals submitted by the utilities and other groups.





## UTILITY REPORTS

To aid the Registration Commission in keeping its records up to date, the Act (Sec. 31) provides that public utility companies (gas and electric), shall report discontinuance of service, the names of the persons who contracted for such service and the addresses to which such persons have removed, if known.

While the utilities have conformed to the Act and the notices have been received by the Commission, the Commissioners admitted that no use was made of these reports until after the May Primary. In explanation, Commissioner Deppenschmidt maintained the utility reports merely duplicated the change of residence notices which came in from the voters later.

This is non-conformance with the Act, which provides (Sec. 31b) that upon receipt of these public utility reports the Commission "shall forthwith send to each person who is found to be in the register as an elector from the address given in said report, and to all members of his family and household who are electors registered from the same address, a notice" advising the voter to correct his registration affidavit if he has moved.

The intent of the Act is that the mails shall be used, and that the warning be addressed to the new address of the elector as reported by the public utility.

Testimony by the Committee of Seventy indicated that in 70% of the cases the utility reports contained the new addresses of the electors.

Failure of the Registration Commission to send out these notices



could result in the disfranchisement of the voter who, through failure to receive such notice, did not properly notify the Commission of his change of residence.

Further, compliance with the directions of the Act would probably result in many removal notices being sent to the Registration Commission shortly after the elector has changed his residence.

This would tend to eliminate at least some of the pre-election rush of removal notices which inundates the Registration Commission and for which the political parties are largely responsible.

This rush now results in such haste that errors are practically certain to occur, errors which may result in disfranchisement.

#### CHANGE OF PARTY

Persons desiring to change their party enrollment are permitted to by signing a change of party affidavit (Sec. 30) either at the Commission's office or before the registrars in their wards.

Section 17e provides that persons trying to change their party enrollment may be challenged by any qualified elector of the city. If challenged, he may still change his party enrollment if he swears that at the last election at which he voted, he voted for a majority of the candidates of the party to which he wishes to change.

The Republican City Committee has charged and the Registration Commission has admitted that each elector desiring to change his party enrollment is challenged if this change of enrollment takes place in the offices of the Commission. Each of the two major parties accuses the other of forcing it to adopt this procedure.

Such a practice, although admittedly legal, may work several in-



justices depending upon the procedure for change of enrollment and the use made of the information so gathered.

It has been charged and verified that the inquiry as to the right of the elector to change his party is sometimes so stated as to be misleading. For instance, registrars ask this question. "How did you vote at the last election?" Rather than, "For which party did you support a majority of the candidates at the last general election?"

The two major misinterpretations of the former question are these. First, the elector may not understand properly the significance of the word "election". Thus, he sometimes bases his answer upon the primary rather than upon the general election. Second, the inquiry is worded to stimulate the answer that he voted a straight Republican or straight Democratic ticket rather than that he supported a majority of the Republican or Democratic candidates.

These possible misunderstandings are important when we consider the independence which should be maintained under the system of the secret ballot.

A check was made upon all the change of party enrollment affidavits which were rejected. This indicated: (1) that none of the registrars could be charged with having made an unusual proportion of the rejections; and (2) that the rejections were fairly evenly split between changes from Democrat to Republican and changes from Republican to Democrat.



The information is summarized in Table II.

TABLE II. REJECTED CHANGES OF PARTY ENROLLMENT

Registrar	D to R	R to D	Misc.
Brown, S.	13	18	0
Dieterle, K.	15	7	0
Dunlap	1	0	0
Green, Mary	31	36	6
Jungman, M.	0	1	0
Menold, E.	8	4	0
Mercier, F.	10	4	1
Molinari, E.	1	3	0
Moore, F.	1	0	0
McHugh, Anne	27	38	5
Rothman, M.	20	14	1
Schofield, T.	1	1	1
Taylor, F.	18	17	1
General	40	30	10
	186	173	25

There were in all 384 rejects; 186 Democrat to Republican; 173 Republican to Democrat; 25 miscellaneous. In 85 cases sufficient information was not present.

#### OBITUARY NOTICES

Section 31 of the Registration Act requires that the registrar of vital statistics report weekly to the Registration Commission all deaths above the age of twenty.

These reports are given to clerks who pull all three affidavits from the registers. These are clipped to the death notice and a card form notice sent to the family of the deceased. If the card is returned as not deliverable, it is also attached to the other forms which are filed by ward and division. These records are kept for two years.





## NATURALIZATION, DISABILITY AND RESIDENCE RECORDS

Foreign born persons desiring to vote must prove their naturalization according to the Act (Sec. 23). A proper affidavit form is often accepted as proof rather than a copy of the naturalization papers if citizenship is being claimed through the citizenship of one's parents or one's husband. These records are filed according to ward and division.

If a voter, since registering, becomes disabled and therefore desires assistance, he may swear out a proper affidavit setting forth the reasons for his need of assistance. This affidavit is kept in the same files.

The challenge of residence affidavits are also kept in these files.

## STRIKE-OFFS

Section 35 of the Act provides that any elector, watcher, registrar or inspector for the Registration Commission may file a petition with the Commission praying for the cancellation of the registration of any registered elector of the city on specified grounds, such as death, change of residence, etc.

Usually either the political parties or the Commission's inspectors are the petitioners. Hearings on the petitions are held after notice is given to the registered elector involved. Decisions as to whether the strike-off shall be made rest with the commissioners.

Strike-off petitions, if granted, are turned over to the Registration Commission's office for filing.

The procedure consists in taking the original affidavit from the



District Register and placing it with the petition in a strike-off file. These strike-offs are filed by ward and division. Later, the affidavits, duplicate and triplicate, are removed from the General Register and Street List Register and placed in the strike-off file.

#### COMMISSION'S FILING SYSTEM EVALUATED

In all these cases, when the clerks pull the affidavits from the various registers they seldom leave any indication that the affidavit was ever there or why it was pulled.

Thus, an error in pulling the wrong affidavit or an error of information, if it is not discovered until election day, may not be corrected in time to permit the qualified elector to vote.

Although these records are filed accurately by ward and division, no attempt is made to develop alphabetical arrangement within a division, thus entailing the loss of time in finding records.

It is also important to note that this system of filing was not begun until June, 1938, although the law went into effect 14 months earlier.

Members of the Registration Commission did not supervise the establishment of a system of filing these records, all of which vitally affect other procedures.

The result of this system of filing is that when a person appears before the Commission and declares he has the right to vote, the Commission's employees first look in the strike-off file, then in the "void" files and finally in the General Register.

A better system would be a notation on the back of the duplicate affidavit in the General Register as to the location of other affi-



davits and material dealing with such registered voters, and the division of the General Register into "active" and "inactive" sections.

The "active" section would thereby contain all registered voters eligible to vote. The "inactive" section would contain all the other voters who have been registered and who have since been stricken from the voting lists for various reasons.

Such a set up would result in less work for the employees of the Commission, and save time, since there would be one general index which would point the way.

This would eliminate the present need of having to consult three or four files in order to locate required data.

It would, in the opinion of this Committee, not only save time, but facilitate the finding of pertinent records when the finding of those records is vitally important to prevent disfranchisement.

Another check to aid the Registration Commission in promptly correcting its records, would be a requirement that each political party is to be advised daily or weekly of the removal from the "active" file of any registration affidavits for any cause.

#### VOTER'S IDENTIFICATION CARDS SUGGESTED

Another aid to the Registration Commission in checking records would be a voter's identification card.

Each card should contain, typewritten on its face, this information:

- (1) Name
- (2) Address
- (3) Ward and Division





(4) Date of registration

(5) Serial Number of the elector's registration affidavit

Printed on the back of each card should be information of the following nature:

"To continue to be qualified to vote, you must

1. If you move, apply for and execute a change of address card.
2. If you change your name, appear before a registrar or at the Registration Commission's office and have that change recorded.
3. If you wish to change your party, appear before a registrar or at the Registration Commission's office and have that change recorded.
4. If you fail to vote at least once every four years, your registration will be cancelled."

This card would be evidence that the voter had registered and would aid the election officials in correctly interpreting his name and address. It would also be an aid in locating his records through his serial number. Further, it would serve to remind the voter of his duties under the Act.

This Committee fails to see any justification in the claim that a voter's identification card would increase the danger of fraudulent voting.

The printed name, address, ward and division appearing on the card could be stated verbally by the voter and the card affords no additional information. Before the voter presenting the identification card could vote, his description as appearing in the District Register must conform with that of the person carrying the identification card. Furthermore, the person must sign his name as he signed it



in the District Register. Persons trying to vote illegally would have no means of knowing the correct signature in the District Register, because the identification card would carry no signature.

#### ANSWERING PRIMARY DAY COMPLAINTS

Additional light is thrown on the cause of disfranchisement at the May 17, 1938 Primary by an examination of the procedures followed by the Registration Commission in answering complaints.

As soon as a complaint reached the Commission's office, information deemed to be necessary was extracted from the complainant, and the General and Street List Registers immediately searched. If a registration affidavit was found it was taken to the polling place and the party was allowed to vote. If no Duplicate or Triplicate was found, the strike-off and removal files were investigated for evidence.

But it is openly admitted that the Duplicate or General Register and the Triplicate or Street List Register were not in many cases up to date.

Registration officials also said many "phoney" complaints were deliberately made. The purpose of these complaints is said to have been to increase the number of complaints, thus hampering employees handling justified complaints.

In some cases where information on the complainant was not locatable, an inspector went out to the division and tried to interview the complainant.

In evaluating this procedure, it should be remembered that at this time the General Register was not in good order. Also, it is well to remember, that the strike-off petitions, the removal notices



and voided affidavit files were not located in any permanent filing system.

Even on September 15, 1938, only in the first 13 wards of the city had all three copies of the affidavit been pulled and filed with the strike-off petitions. This obviously indicates that the General Register was not reliable as a source of evidence to justify voting.

Further, if an inactive file had been compiled it would not have been necessary to send out from the office, members of the staff in order to interview complainants. Rather, the complainant and/or the election officials could have been advised of the exact nature of the complainant's case without further investigation.

This description of the administrative procedure of the Registration Commission shows the need for centralized administrative responsibility.

A more efficient administration would result if responsibility were centralized in the hands of a single administrator. In this respect the Act, which divides responsibility among five commissioners, is defective. There is no room for five administrators in the Registration Commission.

Amending the Act to place the administrative responsibility in the hands of a single person, an executive secretary, would then leave only quasi-judicial and policy determining duties to the commissioners. These duties would not require the full time of the commissioners. Therefore, the present salary of \$6,000, which warrants full time service, would not be necessary to attract the kind of commissioners desired for the positions.



Subjects such as the minimum requirements of floor space, personnel, finances, and methods of administration, were raised in this investigation.

Although related to the disfranchisement of voters, all these subjects could not be fully studied by this Committee in the time available to base any final conclusions.

It is for this reason that your Committee has recommended that an administrative survey be made by some agency, public or private.





## II

### DISFRANCHISEMENT

During the May Primary of 1938, qualified citizens of the City of Philadelphia were unjustifiably denied their constitutional right to vote.

The full extent of the disfranchisement is unknown. There was no practical way of determining the total amount of disfranchisement even on May 17, 1938, much less nearly three months later, August 8, when this Committee was allotted \$2,000, which permitted it to begin its investigation.

The task of ascertaining accurately the exact number of disfranchisements in the May Primary would have consumed many months of interviewing and many more thousands of dollars than were allotted to this Committee.

Hence, from the beginning, this Committee aimed, first to:

determine if a significant portion of electors had been denied their right to vote, and second to:

report its findings at such an early date that our recommendations might be of use in preventing disfranchisement in the November and subsequent elections.

With these aims in mind, this Committee, after a brief but nevertheless exacting survey of the available sources, finds:

UNNECESSARY DISFRANCHISEMENT to an extent --

to warrant public complaint,

to justify this investigation by Your Excellency, and

to merit the administrative survey and recommendations herein reported.



## EXTENT OF DISFRANCHISEMENT

During the interval from the Primary Election on May 17, 1938, until nearly three months later, when this Committee was able to start its investigation, the number of electors denied their right to vote was variously estimated at from a few thousand to 25,000.

While this Committee can not determine precisely the number of voters who were denied their right to vote, it does find from those instances in which complaints were filed that a substantial number of voters were disfranchised in Philadelphia at the May Primary of 1938.

This is indicated by an examination of available records of complaints which have been thoroughly checked by this Committee. These records include:

1. Election court cases
2. Telephone complaints received by the Registration Commission on Primary Election Day - May 17.
3. Errors revealed by the Registration Commission in re-checking its records.
4. Removal notices for which registration affidavits could not be located.
5. Mandamus of the Republican City Committee, to correct errors of the Registration Commission.
6. Cases reported by the Republican City Committee to this Committee.
7. "Change of Party" cases listed by the Republican City Committee.

These records of complaints that registered voters were unable to vote do not tell the whole story.

There is no record of electors who went to the polls and were told that their registration affidavit could not be located and who



left without filing a complaint with anyone.

There is also no record of the electors who became discouraged and left without voting, particularly near the close of the polls, because of the long lines waiting to vote. Part of the congestion at the polls may be laid at the door of the Registration Commission for its failure to file registration affidavits in exact alphabetical order as called for by the First Class City Permanent Registration Act. This lack of alphabetical order in the District Registers caused delays in attempting to find registration affidavits.

That little record of disfranchisement at the May Primary was made on that day also must be kept in mind. For instance, complaints telephoned to the Registration Commission were not fully recorded for permanent record. Rather the particulars of the case were jotted down on a scratch pad and handed to an employee to investigate and to report back. If the case could be handled over the telephone no further report was made; otherwise the data was turned over to the Inspection Department.

Complainants who went in person to the Registration Commission's headquarters were heard and then answered without the making of any permanent record.

Complaints reported through the Committee of Seventy were likewise jotted down on work sheets which were sent to the Registration Commission for answering.

Party workers also used temporary notes or transported the voter to the Registration Commission or the Election Court.

However, within a few weeks after the Primary, each Republican





Party worker was asked by the City Committee to submit to it a list of all complaints occurring in his division. The compilation of these reports has been made available to this Committee. These lists were cross-checked in order to eliminate all possible duplications.

Another important factor in the examination of alleged disfranchisements was the particular interests of the parties which were making the allegations. As one would suspect, the workers of the victorious political party volunteered no cases of disfranchisements, although many of its members had also suffered. The minority political party offered many more cases than could be substantiated.

The Registration Commission has made possible the reporting of a major portion of the direct and indirect disfranchisements.

Of primary importance in reviewing the specific allegations or samples of disfranchisement listed on page 34, is the experience of the Election Court (Common Pleas No. 4) on May 17, 1938.

#### ELECTION COURT CASES

The major importance of reporting the Election Court cases here is the opportunity to reveal the various types of complaints received and the result after having thoroughly traced each case. Inspection of the complaints brought before the Election Court reveals that none of the 127 applicants was finally disfranchised, for the Court granted them the franchise. Short of taking this procedure 52, which is 41 per cent of all the complainants, would have been unjustifiably disfranchised.

Of the 52 instances where the right to vote had been originally denied by the election official, it can be said that the error was



chargeable to the Registration Commission in 40 cases, and in 12 cases the error was shared by the Commission and the election officials.

The 40 errors were caused by misfiling the registration affidavit in the wrong division register, by failure to remove the registration affidavit to the proper division register after having duly received a notice of changed residence, or by failure to record a change of party which had been properly made.

The 12 errors were caused by the failure of the Registration Commission to file the affidavits in exact alphabetical order and the failure of the election officials, in spite of a warning that the registers were not properly filed, to find the affidavit altho it was located when the registers were returned.

In 40 instances, or 31 per cent of the cases, there were no records in the files of the Registration Commission to prove the assertion of the complainant that he had registered, changed his address or changed his party.

It was impossible to trace these cases any further during the short period of this investigation for the following reasons. It was not possible to determine that registration affidavits were ever filled out by the complainants, because the Commission keeps no strict record of the serial numbers on these cards. Notices of change of residence, if filled out, might conceivably have been either misplaced upon arrival at the office or might have never been delivered there. They might also have been mislaid in the process of delivery by a party worker.

The change of party affidavits are not numbered serially nor are



they accounted for in any other manner when sent out on registration days.

In 11 instances the complainants were not qualified voters.

In the remaining 24 instances the voters' registration cards were not in the active files because they had not given full and correct information of their removal, had removed too recently to create legal residence, had filed the removal notice too late to have it acted upon for this election or had changed their name through marriage.

It is significant that these errors affected Democrats as well as Republicans - 45 Democrats and 77 Republicans (At this time the total Democratic registration in the City was 399,648, whereas the Republican registration was 473,420).

No preconceived design upon the part of the Registration Commission appeared in any ward or division. Rather, the errors appear to have occurred in the ordinary administrative routine.

#### COMPLAINTS HANDLED BY THE REGISTRATION COMMISSION

On May 17, 1938, the Registration Commission reported that it received 1,123 complaints, which were turned over to the Inspection Department. These do not include cases where the complainant appeared in person and cases which were answered over the telephone. The disposition of these cases was reported by Mr. Barrett, Chairman of the Commission, in testifying before the Committee. He stated "The Commission received 1,123 complaints ..... In 531 of these cases the cards were actually in the registers. In 163 cases it was discovered that no removal cards had been filed. In 274 cases it was





discovered that the person had not registered under the First Class City Permanent Registration Act. In 53 cases no change of party affidavit had ever been filed and in 51 cases it was discovered that the elector had subsequently changed his party with no reason thereof...."

This Committee does not understand why 531 persons claimed they were disfranchised when their cards were in the register. Neither a written report nor the work sheets of these findings have been made available to this Committee for checking.

#### REGISTRATION COMMISSION'S CHECK FOR ERRORS

Due to the numerous complaints of disfranchisement received after the May Primary, the Registration Commission decided to check the District Registers for the entire city. The result was that 3,744 affidavits were found to be in error.

Of this total number of errors, 2,374 cases were sufficient to cause disfranchisement altho 29 of these electors actually voted. The Registration Commission is responsible for 953 of the errors. However, 27 of the electors involved in this latter classification voted, leaving 926 voters who would have been disfranchised if they attempted to vote at the Primary.

Analysis of the Commission's 953 errors follows. In 768 cases the affidavit was not in the correct district register, indicating failure to check accurately the ward and division against the address. But 13 of the electors involved voted. In most of these cases the election judge accepted as evidence the notice card sent by the Registration Commission to the voter acknowledging his change of residence or change of party. On the basis of this evidence the franchise





was allowed; the others (755) could not vote.

In another group of 142 cases the removal notice had not been entered and the voter could not produce the acknowledgment card from the Commission, and likewise in 11 cases the change of party had not been noted, thus preventing the voter from receiving the proper ballot.

In the last group of 32 cases the original (District Register) form could not be located although the other two forms were respectively in the Street List and General Register. If the original form had been taken out for any valid reason there was no notation made which would have aided in its location.

In another 1,448 cases disfranchisement may or may not have occurred in each instance, but it is only known at this time to have occurred in 103 instances. However, all the situations were such as to permit disfranchisement. The election officials did not find the 103 affidavits referred to above. The fact that the cards were not filed in exact alphabetical order probably explains many of these disfranchisements. In another 696 cases of this list of 1,448 cases, one voter's affidavit was filed directly on top of another's, thus preventing the name and address of the covered affidavit from being exposed. In the next group from this list, 233 cards were misplaced in the register - either grouped at the end of the "A's", "B's", et cetera, or grouped in the back of the register after the "Z's". Finally, in 416 cases the spelling of the name and/or the address at the bottom of the card differed with the information disclosed elsewhere, being erroneous at the bottom. Thus, unless the election official, suspecting this error, checked the signature and the name as



printed on the top of the form, or was able to verify the address as indicated in the body of the card, the voter would no doubt have trouble maintaining his right of franchise. If the typing error occurs in the first letter of the surname it means, in most instances, disfranchisement.

For the 458 remaining cases there were records in one or more of the Commission's files. After checking these records the cases were classified as follows: 334 cases resulted in disfranchisement because of errors committed by the Registration Commission and/or its employees, and 124 persons were not qualified to vote. In 165 instances wherein the Commission erred, there was failure to record the notice of removal and to move the affidavit to the proper district register, in 145 instances the registration affidavit was either misfiled or misplaced, in 7 instances there were erroneous strike-off procedures which were admitted as such and in 17 instances the removal had been noted on one or more of the affidavit forms but not upon the original (District Register) form in time to permit voting at the Primary. The removal notice itself has since then become mislaid or lost.

The wrong affidavit form was filed in the District Register in 1,194 instances - either the duplicate or triplicate being filed here rather than the original.

The affidavit for 58 deceased electors had not yet been taken from the active and placed into the inactive file.

The information on 46 cards was erroneous.

Forty-two voters were registered twice and three were each registered three times.



These latter cases indicate failure to check the General Register with sufficient accuracy.

On the registration of April 12, 1938, about 59,000 voters registered. This registration was not conducted in each division but by wards. The result was that a great many errors were made on the registration affidavits by the wrong division being entered thereon by the registrar. How many errors of this nature were actually discovered by the Registration Commission out of the total registration of over 59,000 could not be ascertained as the Commission did not keep a record of those discovered.

From the Commission, however, was learned that in the Twenty-second Ward alone, where 2,741 people were registered, 638 errors of this nature were discovered and it was conceded that there may have been some that they missed. Considering the short time between this registration and the Primary Election of May 17th, during which time the Commission was under heavy pressure in performing many other duties, such as the entering of removal cards, etc., it is reasonable to suppose that many of these errors were not found and corrected, resulting in the affidavits being filed in the wrong division, thereby causing disfranchisement.

It should be noted that an attempt was made at the office of the Commission to discover and correct the errors of the registrars and correct the affidavits and file them in the proper District Register.

ATTEMPTS OF THE COMMISSION TO LOCATE REMOVAL NOTICES

Removal notices cannot always be acted upon by the Registration Commission for various reasons. When such is the case the removal







card is filed in a "can't locate" file. This file, at a recent date, was estimated conservatively to contain more than 6,500 cards.

Considerable complaint caused a recent drive upon the part of the regular employees to locate registration affidavits for as many as possible of these removal notices.

The result was that in the 39th ward there were 43 removal notices from the "can't locate" file for which the registration affidavit was found. An investigation of these cases disclosed that 25 or 58 per cent of the notices should have been acted upon before the May Primary.

The cards for other wards were not obtainable for a similar check, so it is not possible to state the full effect of failure to properly handle these cases before the Primary.

#### MANDAMUS TO CORRECT ERRORS

The Republican City Committee had also seen during the May Primary the necessity of correcting errors existing in the registers. On June 1, 1938, its counsel presented to the Court of Common Pleas No. 4, a petition for a mandamus to show cause why the Registration Commissioners should not correct some 1,120 errors existing in the Street List and District Register. The errors complained of were: In the Street List - (1) registered - affidavit in District Register but not in Street List; (2) does not live at address given; (3) error in recording the address; (4) removal not noted; (5) deceased; (6) party change not entered.

In filing affidavits in District Register - (7) registered - affidavit in Street List but not in District Register; (8) removal not



filed; (9) misfiled; (10) party change not entered.

The answer of the Registration Commission to the Court did not account for all the cases and the work sheets have not been made available to The Governor's Committee for checking.

#### CASES REPORTED BY THE REPUBLICAN CITY COMMITTEE

The Republican City Committee submitted to this Committee the names of 1,370 complainants who said that they were properly registered and/or they were registered as Republicans but were either denied the right to vote or were denied the Republican ballot (or entrance to the Republican voting machine). A check of this list disclosed that a large percentage of the list had to be eliminated for one reason or another.

Of the list of 1,370 names 79 were duplications and 146 were recorded as having voted at the Primary leaving 1,145 names. Of this latter list there were 687 persons for whom no records could be located in the files of the Registration Commission. An attempt was made to clarify these situations by the interview method. The situation was this. The complainant insisted that he was properly registered, but there was not sufficient evidence to conclude that he was or was not qualified for voting.

From this group of cases 200 were invited thru the Republican Party organization to come before the Governor's Committee. Unfortunately only 20 appeared.

Of these cases, 11 or 55 per cent convinced the Committee that they were qualified voters and that they had been unjustifiably disfranchised. Some had registered with other members of the family,



the latter being allowed to vote. The testimony of others was corroborated by witnesses.

The only conclusion possible is that registration and change of party affidavits and removal notices were lost between the registration places and the Commission's offices and also within these offices.

The testimony of 9 cases did not convince this Committee of any disfranchisement.

This loss of records is also apparent in the analysis of subsequent complaints.

In this connection it is true that the Commission had trouble getting office space and that in the meantime records and workers were occupying the public corridors of the 14th floor of City Hall Annex. Party watchers and workers pass through and mingle with employees. And, until June of 1938, considerable use was made of temporary files - card board boxes, et cetera. These, as more space was acquired, have been moved from room to room and back again.

Anybody familiar with the situations surrounding the administration of such extensive records and filing systems as here used could not reasonably be surprised at the losses discovered.

#### REPUBLICAN PARTY CHANGE OF PARTY CASES

The Republican City Committee also submitted to this Committee a list of 196 cases in which the complainant claimed that he had changed his party affiliation but that the change had not been recorded on his registration card. In the list of cases there were 11 duplications, leaving 185 for investigation.

Of the 185 cases 29 were errors of the Registration Commission,





which caused disfranchisement: 24 changes of party had not been recorded and 5 changes of party were recorded wrongly.

In 87 cases the records of the Registration Commission did not substantiate the complainants' contention. The change of party was properly recorded in 26 cases and in 37 cases there were no change of party affidavits in the files. And although no change of party affidavit was found in the files in another 24 cases, a change was made in the District Register.

The request for change of party of 18 complainants was found in the "can't locate" file because there were no registration affidavits for these people. And in the final instances, for 44 there was no sign of either a registration or change of party affidavit and for 6 the address given was erroneous, not permitting further investigation.

#### ILLEGAL PARTY CHANGES

The Republican City Committee charged that in 78 cases the Registration Commission permitted what has been called "phoney party changes".

A "phoney party change" occurs under these circumstances. If the voter is challenged when he desires to change his party enrollment, he must take an affidavit that he supported at the last general election at which he voted, a majority of the candidates of the party in which he wishes to be enrolled. Thus, if he wishes to change from Republican to Democrat, but cannot swear that he supported a majority of the Democratic candidates when he last voted at a general election, his desired change must be denied. If he maintains his statement of





fact, he could not take out an affidavit which would permit him to change his party until after the next general election. However, the voter may subsequently insist that the first affidavit was a misstatement of fact; or, he may later request party change trusting that he will not be challenged, or he can alter his statement to conform to the change requirements. The acceptance of a subsequent affidavit reversing the first if unexplained, i. e., that the first was a misstatement, or the acceptance of party change at the same registration place without requiring an affidavit - these situations would constitute a "phoney party change". Thus, the files should be checked thoroughly before accepting any change of party.

Of the 78 cases submitted to this Committee, 23, upon being investigated, were found to be "phoney party changes". All 23 had been originally voided at the office of the Commission. In 18 instances the subsequent acceptance occurred at the same place and in 5 instances the subsequent acceptance occurred in the division.

Regardless of where the final acceptance of party change took place, when the Commission files the affidavit, it should discover the previous affidavits and check further these cases by correspondence or through the Inspection Department.



### III

#### POTENTIAL DISFRANCHISEMENT

Possibility of the future disfranchisement of voters was examined by this Committee, in addition to investigating disfranchisement at the May Primary.

Potential disfranchisement might arise also from errors in entering information on registration affidavits of persons who need assistance in voting, or who are naturalized citizens.

#### NEED OF ASSISTANCE

The Committee of Seventy conducted a survey of the use voters made of the privilege of receiving assistance in voting. After closely checking this survey we have found it to be reliable.

According to the Permanent Registration Act (Section 20c, 13), assistance to the voter is permitted if he states that he is either illiterate or physically unable to mark the ballot or operate the voting machine. In either case he must state the exact nature of his disability. This exact nature must be recorded upon his registration affidavit by the registrar in the presence of the said voter.

If this provision is not correctly and completely complied with, any such potential elector, even though he gave proper information to the registrar at the time of becoming registered, may be disfranchised.



The inquiry as to the need of assistance is so stated on the face of the registration affidavit as to be misleading, especially when it is read by the registrar to the potential voter amidst the noise and commotion which frequently exists at a polling place.

The inquiry, the form of which is decided by the Secretary of the Commonwealth, begins, "Are you unable .....". This negative question is very confusing.

The result is that many voters are recorded as being, "Yes" (unable) but give no reason for being unable. Thus, they are not legally entitled to assistance. Others are recorded as being, "No" (not unable), but give reasons for needing assistance.

Even though the inquiry is printed and is constantly before the eyes of the registrars, and even though they have been instructed in its interpretation, thousands of errors appear - errors which may lead to disfranchisement as well as other irregularities in the voting procedure.

Other errors that appear are the failure to indicate whether or not assistance is needed and the acceptance of reasons for receiving assistance which, if properly stated, are more liberal than the law was intended to permit.

The survey of the Committee of Seventy covered the first 29 wards (1-29 inclusive) plus the 39th or approximately half of the whole number of registered voters in Philadelphia. Table III summarizes this survey:





TABLE III. ERRORS IN INFORMATION AS TO NEED OF ASSISTANCE

Ward	Total Registered Voters	Potential Disfranchisements Total 1-4 inc.	(1)	(2)	(3)	(4)	Total No. of Errors 5	Percentage of Errors
1	15,438	316	57	195	30	34	526	3.41
2	10,037	405	82	269	25	29	538	5.35
3	6,282	291	51	201	11	28	697	11.10
4	6,043	269	33	214	12	10	416	6.90
5	4,414	77	13	47	1	16	216	4.90
6	608	7	0	0	7	0	15	2.47
7	11,160	187	20	46	96	25	776	6.97
8	6,252	14	2	11	1	0	102	1.63
9	860	5	0	2	3	0	8	0.93
10	4,424	221	15	193	12	1	345	7.80
11	1,987	28	3	4	21	0	42	2.12
12	3,103	152	18	123	6	5	161	5.19
13	6,386	419	50	338	20	11	515	8.07
14	6,315	314	48	233	18	15	373	5.91
15	16,987	191	22	103	54	12	1018	6.01
16	3,965	40	5	10	17	8	97	2.44
17	4,766	185	12	170	1	2	616	12.95
18	9,619	144	6	86	50	2	426	4.43
19	18,924	324	19	279	24	2	1082	5.73
20	20,973	680	91	438	97	54	2285	10.93
21	20,076	395	21	248	93	33	2196	10.91
22	49,024	377	13	152	201	11	2816	5.73
23	23,877	559	16	487	20	36	2258	9.45
24	24,641	874	104	553	175	42	1638	6.65
25	18,409	405	22	284	96	3	953	5.18
26	25,825	560	78	360	77	45	2176	7.70
27	10,540	172	5	149	15	3	809	7.67
28	23,041	416	27	330	27	32	1806	7.82
29	15,161	497	32	172	260	33	1827	12.05
39	28,764	871	54	526	270	21	2576	8.98
Total	397,901	9,395	919	6223	1740	513	29309	6.50

1. "No", with reasons
2. "Yes", without reasons
3. "Yes", with insufficient reasons
4. No notation, with reasons
5. Includes columns 1 to 4 inclusive, as well as those cases where no indication is made as to whether or not assistance is needed.



More than 29,000 errors were discovered in the 30 wards which comprise half the voting population of the city, according to Table III.

But doubling this number to approximately a figure for the entire city cannot be justified since many of the wards contained in the surveyed section are not comparable so far as the nature of the population is concerned with wards in the unsurveyed sections. It is reasonable to conclude, therefore, that a substantial number of errors exist in addition to the 29,000.

However, not all these errors would lead to disfranchisement. For this reason, the errors which would lead to disfranchisement are treated separately from other administrative errors.

The table shows that in the thirty wards there were 9,395 errors, which potentially can disfranchise. The thirty wards include the population of approximately one-half of the registered voters of the city.

The result of applying proportions herein discovered is that in the entire city at the next election there could be these voters denied assistance plus many thousands more in the twenty-one wards because of incorrect or incomplete information concerning their need of assistance.

Further inspection of these registration affidavits which contained errors in the assistance clause establishes clearly that probably 90 per cent of the trouble was caused by the temporary registrars who worked in the division on the first registration day (6/12/37). Another 9 per cent was caused by temporary registrars on subsequent registration days.



The conclusion is that unfamiliarity with the task is to blame.

It is encouraging that relatively few such errors have been made recently and that only 1 out of 419 in the 8 divisions sampled for this purpose is chargeable to a regular employee. Table IV illustrates this.

TABLE IV. LOCATION OF ASSISTANCE CLAUSE ERRORS

Ward/Division	At Annex	At Divisions
4/1		4
4/2		14
4/3		102
22/27		114
22/60		4
32/12	1	24
40/13		10
49/22		<u>146</u>
	1	418

After these and other errors came to the attention of the Registration Commission, an effort was made to present an opportunity to the electors to correct their registration data.

Cards were mailed out advising them of mistakes and to report at a centrally located police station to make corrections possible.

The selection of police stations as a meeting place was based upon two reasons. First, it would be less difficult for the elector to report there than come to the City Hall Annex. Second, there was no money available to pay for rental and additional employees.





The Republican City Committee obtained a court order restraining such proceedings. It felt that the police stations were improper places to carry on such work because many people would refuse to go there.

In addition to the financial savings of using the regular experienced employees to make such corrections, the Registration Commission, for its own protection, might well insist upon the power to add to or alter these records only by its regular employees. Another obstacle is the decree of Judge Davis, which enjoins the Commission from ordering its employees to receive registrations (and corrections) at any place other than the City Hall Annex, except on the set registration days.

These various factors present a serious problem to which an answer must be found in the very near future.

The chairman of the Registration Commission by letter (June 26, 1937) advised, in referring to correcting the assistance clause errors:

We are doing everything possible in the correction of registration cards and feel sure that before we get into the Primary Election (September 1937) that all corrections will have been made.

But in the meantime little has been accomplished. In fact so few corrections have been made that when this Committee checked in August 1938 complaints reported by the Committee of Seventy on June 19, 1937, only a negligible number of corrections were observed.

It has been contended that there will be little or no disfranchisement resultant because those not really needing assistance will not request it and those requiring assistance will not be challenged.





This contention, regardless of how well it is meant, is ill advised. The Registration Commission has no control over the decisions of election officials nor could it safely depend upon or forecast the attitudes of the voters herein affected.

### NATURALIZATION

The Committee of Seventy also advised the Registration Commission that the information on the affidavits of many voters was insufficient to establish their citizenship and in this respect did not meet the requirements of the Act. (Sec. 20c1).

This survey was merely a spot sampling and did not portend to indicate the full extent of the problem. More than 3,000 affidavits were examined in various divisions in 15 wards.

Of this number more than 600 or 20 per cent were defective in information, 563 (18 per cent) of which were so incomplete as to be grounds for legal disfranchisement. In 213 cases, "although the applicants stated that they were born in a foreign country, no naturalization data whatsoever has been entered on the registration cards". In 350 instances the information recorded was not sufficient to permit verification.

Neither the validity nor the contention of this survey has been seriously refuted.

The extent of the problem of disfranchisement based upon incomplete naturalization data might be calculated by applying 18 per cent of error against the more than 137,000 foreign born registered voters in the City of Philadelphia. Such an application results in



an estimate of approximately 24,700 potential disfranchisements.

Since this Committee was appointed, the Registration Commission has moved to correct these errors by notifying by mail registered voters whose naturalization data appears deficient on their affidavits, that they must appear at the Commission's office and correct this information.



## IV

### RECOMMENDATIONS

It is almost needless to say that a free and unobstructed right of franchise is vital to the maintenance of our Democracy. Even the appearance of partiality by those in control of election machinery is serious, for it tends to impair confidence in the fairness and honesty of elections.

In the present critical times, when our institutions are being challenged we are confident that any governmental agency dealing with the franchise, must discharge its duties with the greatest efficiency possible of attainment and free from even the semblance of partiality.

On this basis this Committee makes the following recommendations:

This Committee recommends that the Registration Commission:

1. Centralize all administrative responsibility into the hands of a chief clerk with the necessary executive ability and administrative skill to carry out the provisions of the Act on a business like basis with the highest degree of efficiency.

Because the testimony indicates that part of the failure of the Commission to meet its responsibility is due to a lack of executive ability and adequate planning. And, further, because of divided responsibility.

2. Secure the services of some reliable agency, public or private, to conduct a thorough administrative and personnel survey looking to greater efficiency and economy.

Because this survey indicates that the Registration Commission has not yet achieved satisfactory performance.





Because such a survey, looking to the establishment of standard work procedures, work flow plans, a more effective use of available floor space, personnel standards and job classification might aid the Registration Commission in achieving satisfactory performance.

Because lack of time and funds prevent this Committee from making such a survey.

3. Adopt, voluntarily, a merit system, and prohibit employees from engaging in political activity.

Because the selection of employees of the Commission on a political basis lays the work of the Commission open to the criticism that the work is biased, even though this may not be true.

Because such a system would help to insure the fairness needed in registration of voters which goes to the very basis of the Democratic process.

Because such a system would prevent the disorganization of office personnel with every change of victorious political parties.

Because the work of the Commission's employees is sufficiently skilled to justify their selection on the basis of their training rather than their political activity.

4. Obtain a ground floor central location for meeting the public.

Because the many thousands of citizens desiring to register yearly, necessitate a convenient location without the use of elevators.

Because the present quarters on the 14th floor of City Hall Annex are so congested during the rush to register, that lines of would-be registrants wind around the corridors and stairs and down two floors.

5. Cross-check, thoroughly and immediately, the three Registers to bring simultaneously each up to date, putting both the General and District Registers in exact alphabetical order and the Street List in exact numerical order.



Because the Committee at no time found the General or District Registers in exact alphabetical order.

Because failure to do so makes it more difficult to locate a registration affidavit and increases delay in voting.

Because failure to locate registration affidavits may result in disfranchisement of electors.

Because the Act requires that the General and District Registers be kept in exact alphabetical order (Secs. 26 and 27).

6. Divide the General Register into "Active" and "Inactive" sections, and note on the back of each affidavit in either section of the General Register an index key to all records of that registrant which have been filed in special files.

Because the Registration Commission now has no master index to all records concerning registrants and hence time is lost in searching through many different files for records.

Because the recommended innovation would obviate this delay.

7. Correct affidavits defective in the assistance and naturalization data.

Because such defects may result in disfranchisement.

8. Make full use of the public utility reports on changes of residence as directed by the Act (Secs. 31 and 32), and if the procedure becomes sufficiently useful, require reports from agents of apartment houses and hotels as permitted by the Act (Sec. 31c).

Because the Registration Commission through the intelligent use of utility reports would advise voters that they must notify the Commission of a



change of residence if they want to vote.

Because such action by the Commission would probably result in the early receipt of removal notices, eliminating much of the present last minute rush and confusion.

9. Issue a voter's identification card containing this information typewritten on its face: (1) Name; (2) Address; (3) Ward and Division; (4) Date of registration; (5) Serial number; and with information of this nature printed on the back:

"To continue to be qualified to vote, you must

1. If you move, apply for and execute a change of address card.
2. If you change your name, appear before a registrar or at the Registration Commission's office and have that change recorded.
3. If you wish to change your party, appear before a registrar or at the Registration Commission's office and have that change recorded.
4. If you fail to vote at least once every four years, your registration will be cancelled."

Because such a card would aid the voter in identifying himself.

Because it would aid the Registration Commission in locating material in its files pertinent to his registration.

Because it would serve to remind the voter of his duties if he changed his address or political party.





To improve further the working of the First Class City Permanent Registration Act, the Committee recommends that the Act be amended to:

1. Restrict the duties of the commissioners to the:

- (1) determination of policy
- (2) performance of quasi-judicial functions such as deciding strike-off hearings
- (3) selection through the merit system of an executive secretary at \$6,500 per annum, who would have complete control of personnel and administration.

Because this would centralize the administration and personnel responsibility in the hands of one man.

Because the lack of such centralization is one of the flaws in the present set up of the Registration Commission.

Because the salary would tend to attract persons with the necessary qualifications for the position of executive secretary.

2. Reduce the salaries of the members of the Registration Commission to \$3,000 per annum, with \$3,500 per annum for the Chairman.

Because restricting the duties of the commissioners as recommended above would make their services necessary but part time instead of full time as intended under the present Act.

3. Provide civil service and the merit system for the employees of the Registration Commission.

Because of the reasons noted above.

4. Require that a voter's identification card be given each registered voter.

Because of the reasons noted above.





5. Clarify Section 30 (c) in respect to reports of public utility companies and require that the Commission shall send to each registered elector at both his former address and the address to which he has moved, if known, a notice that he must have his change of residence recorded with the Commission.

Because this section has been construed to be ambiguous.

Because the sending of these notices would facilitate the work of the Commission in keeping its file up to date.

6. Incorporate a provision that each political party is to be advised daily or weekly of the removal from the active file of any registration certificates for any cause.

Because the resulting activity of the political parties would tend to insure the correctness of the information in the hands of the Registration Commission.

7. Provide that registrars must have been registered as members of the political party which they represent for at least a period of two consecutive years.

Because under the present Act, it is possible for citizens to change their party solely for the purpose of being appointed as registrars to represent a party with which they are not in sympathy.

Respectfully submitted,

TODD DANIEL, Chairman

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